

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Petitioner,

vs.

HEATHER ETCHINGS

Respondent.

Case No. 2017-390

FILED

FEB 22 2019

REAL ESTATE COMMISSION
BY *Emily Patten*

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") hereby notifies RESPONDENT HEATHER ETCHINGS ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION ("Commission"). The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.235 and/or NRS 645.630 and/or NRS 645, 633 and/or NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed as a Salesperson under license number S.0054289, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

FACTUAL ALLEGATIONS

1. At all times relevant to this Complaint, RESPONDENT is licensed by the Division as a real estate salesperson. (#191).

2. At all times relevant to this Complaint RESPONDENT has worked for Easy Street Realty under Broker Bret Holle. (#190).

1 3. In 2016, the RESPONDENT represented property owner Jeffrey Goodman in the
2 purchase of several investment properties. (#101).

3 4. Mr. Goodman asked the RESPONDENT to prepare residential leases for several
4 properties. (#96, 101-102).

5 5. Mr. Goodman retained Aaron Spears of Las Vegas Property Services to manage the
6 properties and put the RESPONDENT in touch with him to finalize the leases. (#96).

7 6. RESPONDENT met with Aaron Spears several times regarding the leases. (#101)

8 7. On or about March 31, 2016, RESPONDENT prepared a Residential Lease Agreement
9 for tenant Aaron Spears to rent 1029 Geranium Drive in Henderson, Nevada. (#136-150).

10 a. The bottom of every page of the residential lease states that the form was
11 prepared on a form presented by Heather L. Etchings, Easy Street Realty Las
12 Vegas and contains Ms. Etchings's telephone number and email. (#136-150).

13 b. The RESPONDENT indicated that Aaron Spears and Las Vegas Property
14 Services is the contact for maintenance and emergencies at 1029 Geranium
15 Drive. (#141).

16 8. On or about April 8, 2016, RESPONDENT prepared a Residential Lease Agreement
17 for 1112 Bass Drive, Unit D, Henderson. (#117-135).

18 a. The bottom of every page of the residential lease states that the form was
19 prepared on a form presented by Heather L. Etchings, Easy Street Realty Las
20 Vegas and contains Ms. Etchings's telephone number and email. (#117-131)

21 b. The Owner's Broker is listed as Easy Street Realty with RESPONDENT as
22 broker. (#126).

23 c. Paragraph 25 of the lease provides that the tenant is to contact Aaron Spears of
24 Las Vegas Property Services for any maintenance or essential services or
25 emergencies on behalf of the landlord. (#122).

26 d. Paragraph 46 of the Residential Lease Agreement provides:

27 Tenants are aware the Owner/Landlord has employed
28 Las Vegas Property Services to manage the property

1 and their contact is Aaron Spears. Once lease is
2 executed, all deposits will be turned over to Las
3 Vegas Property Services and the services provided by
4 Easy Street Realty to list and lease the property on
behalf of Owner/Landlord will have concluded.
(#128)

5 e. REPONDENT signed as the authorized Agent, and Las Vegas Property Services
6 is listed as the Management Company. (#126, 128).

7 f. On April 8, 2016, Aaron Spears received and signed for \$2,415.00 in money
8 order security deposits. (#117, 133, 134).

9 9. On or about April 8, 2016, RESPONDENT prepared a Residential Lease Agreement for
10 2903 Bungalow Lane, Henderson Nevada. (#103-116).

11 a. The bottom of every page of the residential lease states that the form was
12 prepared on a form presented by Heather L. Etchings, Easy Street Realty Las
13 Vegas and contains RESPONDENTS telephone number and email.

14 b. The Owner's Broker is listed as Easy Street Realty with RESPONDENT as
15 agent. (#103, 112).

16 c. Paragraph 25 of the lease provides that the tenant is to contact Aaron Spears of
17 Las Vegas Property Services for any maintenance or essential services or
18 emergencies on behalf of the landlord. (#108)

19 d. Paragraph 46 of the Residential Lease Agreement provides:

20 Tenants are aware the Owner/Landlord has employed
21 Las Vegas Property Services to manage the property
22 and their contact is Aaron Spears. Once lease is
23 executed, all deposits will be turned over to Las Vegas
24 Property Services and the services provided by Easy
Street Realty to list and lease the property on behalf of
Owner/Landlord will have concluded. (#114).

25 e. Security Deposits and first month rent in the amount of \$2,100 was to be
26 turned over to Las Vegas Property Services, Landlord's property
27 management company. (#115).

28 f. RESPONDENT signed as the authorized Agent, and Las Vegas Property

Services is listed as the Management Company. (#114, 115).

10. In May, 2016, RESPONDENT assisted Aaron Spears with a lease for property that was not listed by Easy Street Realty. (#101).

a. On or about May 4, 2016, RESPONDENT prepared a Residential Lease Agreement listing Aaron Spears as the Broker of Record for 4202 Flamingo Crest Drive, Unit #3 property owned by Anh Tuan Che Nguyen ("Complainant"). (#32 – 39, #45-57).

b. The bottom of every page of the residential lease states that the form was prepared on a form presented by Heather L. Etchings, Easy Street Realty Las Vegas and contains RESPONDENTS telephone number and email. (#32 – 39, #45-57).

c. Aaron Spears had a property management agreement with Anh Tuan Che Nguyen (#30-31).

i. For his services as a property manager, Aaron Spears was to receive \$350 from the first month rent as a fee for acquiring, screening and renting the premises and \$45 per month as a fee for managing the property. (#30-31).

ii. The agreement was signed by the Complainant and the Aaron Spears on May 26, 2016 (#30-31).

11. On or about February 15 2017, Complainant filed a written Complaint with the Real Estate Division. (#1-2)

12. Aaron Spears is not licensed by the Division in any capacity, and is the Respondent in Case No 2017-389 for unlicensed activities.

13. On or about February 22, 2017, the Division sent the RESPONDENT a certified letter at Easy Street Realty in Las Vegas, NV informing her that the Division was opening an investigation and requesting information on Aaron Spears. (#62-63).

14. On or about February 22, 2017, the Division sent Easy Street Realty broker Bret M. Holle a letter informing him that a complaint was received against RESPONDENT, Heather Etchings. (# 98).

15. On or about March 7, 2017, Bret Holle responded to the letter from the Division.
(#95-97).

16. On or about March 7, 2017, RESPONDENT responded to the letter from the Division explaining her contacts and dealings with Aaron Spears. (#99-102).

17. On or about May 18, 2017, the Division sent the RESPONDENT a letter informing her that the Division has sufficient evidence to commence disciplinary action against her and plans to file a Complaint for hearing before the Real Estate Commission. (#192, 193)

VIOLATIONS

18. RESPONDENT violated NRS 645.235(1)(b) by knowingly assisting or offering to assist another person or persons to engage in activity for which a license, permit, certificate or registration or any type of authorization is required pursuant to NRS 645, or any regulation adopted pursuant thereto, if that person or persons did not hold the required license, permit, certificate or registration or has not been given the required authorization.

DISCIPLINE AUTHORIZED

19. Pursuant to NRS 645.235, the Commission is empowered to impose an administrative fine in an amount not to exceed the amount of gain or economic benefit that the person derived from the violation or \$5,000.00 whichever amount is greater, against RESPONDENT for each violation of NRS 645.235.

20. Pursuant to NRS 645.630 and NRS 645.633, the Commission is empowered to impose an administrative fine of up to \$10,000 per violation against RESPONDENT and further to suspend, revoke or place conditions on the license of the RESPONDENT.

21. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission otherwise imposes discipline on RESPONDENT.

22. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

NOTICE OF HEARING

PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider the Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

THE HEARING WILL TAKE PLACE on March 26, 2019, commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through March 28, 2019, or earlier if the business of the Commission is concluded. The Commission meeting will be held on March 26, 2019, at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. The meeting will continue on March 27, 2019 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102, commencing at 9:00 a.m., and on March 28, 2019, should business not be concluded, starting at 9:00 a.m. at the Nevada Department of Employment, Training and Rehabilitation, 2800 W. St. Louis Avenue, Conference Room, Las Vegas, Nevada 89104.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from March 26, 2019 through March 28, 2019, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you have any questions please call Evelyn Pattee, Commission Coordinator, (702) 486-4074.

YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open meeting under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or professional competence. A verbatim record will be made by a certified court reporter. You are

1 entitled to a copy of the transcript of the open and closed portions of the meeting, although you must
2 pay for the transcription.

3 As the Respondent, you are specifically informed that you have the right to appear and be heard
4 in your defense, either personally or through your counsel of choice. At the hearing, the Division has
5 the burden of proving the allegations in the complaint and will call witnesses and present evidence
6 against you. You have the right to respond and to present relevant evidence and argument on all issues
7 involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine
8 opposing witnesses on any matter relevant to the issues involved.

9 You have the right to request that the Commission issue subpoenas to compel witnesses to
10 testify and/or evidence to be offered on your behalf. In making the request, you may be required to
11 demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have
12 are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.875.

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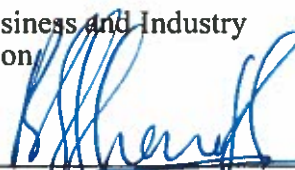
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1 The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC
2 645 and if the allegations contained herein are substantially proven by the evidence presented
3 and to further determine what administrative penalty is to be assessed against the RESPONDENT, if
4 any, pursuant to NRS 645.633 or 645.630.

5 DATED this 14th day of February, 2019.

6 State of Nevada
7 Department of Business and Industry
8 Real Estate Division

9 By: 
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